

Remarks

Claims 1-7 and newly added claim 8 are pending in this application. In the Office Action dated July 16, 2002, the Examiner rejected claims 1-7 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner rejected claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,105,011 to Morrison, Jr. (Morrison) in view of either U.S. Patent No. 6,269,348 to Pare, Jr. *et al.* (Pare) or U.S. Patent No. 5,262,941 to Saladin *et al.* (Saladin). Applicants respectfully disagree with the Examiner.

The § 112 Rejections

The Examiner rejected claims 1-7 under § 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.”

With regards to claim 1, the Examiner believes that “the check writer” appearing on lines 7, 13 and 14 lacks antecedent basis. The Examiner should carefully read claim 1, line 2. The Examiner also believes that “the limit” appearing on line 14 lacks antecedent basis. The Examiner should carefully read claim 1, line 1.

With regards to claim 2, the Examiner believes that “the approval” appearing on line 2 lacks antecedent basis. The Examiner should carefully read claim 1, line 1, which provides a “method of approving . . .”

With regards to claim 5, the Examiner believes that “the determined limit” appearing on lines 2 and 10 lacks antecedent basis. The term “the determined limit” does not appear on line 10 of claim 2. The Examiner should carefully read claim 1, lines 1 and 13.

With regards to claim 6, the Examiner believes that “the predetermined limit” appearing on lines 3, 6 and 7 lacks antecedent basis. The term “the predetermined limit” does not appear anywhere in claim 6. The Examiner also believes that “the transaction amount” appearing on lines 3, 6 and 7 lacks antecedent basis. The Examiner should carefully read claim 6, line 2.

With regards to claim 7, the Examiner believes that “the information” appearing on line 8 lacks antecedent basis. The Examiner should carefully read claim 7, line 4.

Applicants believe that the Examiner has incorrectly identified various antecedent basis problems. Applicants therefore request that the Examiner withdraw all § 112 rejections.

The § 103 Rejections

The Examiner rejected claims 1-7 under 35 U.S.C. § 103(a) as being obvious under some combination of Morrison, Pare and/or Saladin. However, nowhere in the Office Action is there any reference to specific text or to any drawing. This is not an acceptable rejection. The Examiner must show, as a threshold condition for obviousness, how each claim element is **specifically** taught in at least one of the references. By not doing so, the Examiner has failed to establish a *prima facie* case.

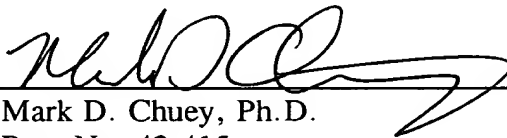
The foregoing notwithstanding, none of the references cited by the Examiner teach or suggest determining a monetary check cashing limit over a time period based on a category to which a check writer is classified. If the Examiner believes otherwise, the Examiner should **specifically** indicate such a teaching in one of the references.

Claims 1-8 are in appropriate condition for allowance and such action is respectfully requested. No fee is believed to be due by filing this amendment. However, any fee due may be charged to Deposit Account No. 02-3978 as specified in the application transmittal.

The Examiner is invited to contact the undersigned regarding any matter associated with this case.

Respectfully submitted,

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